

Application by Gloucestershire County Council for an Order Granting Development Consent for the M5 Junction 10 Improvement Project (Ref TR010063)

Open Floor Hearing 2 (OFH2)

Compulsory Acquisition Hearing 2 (CAH2)

Issue Specific Hearing 5 (ISH5)

Wednesday 20 November 2024 at 10:00am.

Notification of the date, and time for OFH2, CAH2 and ISH5 was provided in the Examining Authority's (ExA's) Procedural Decision [PD-020] letter of dated 29 October 2024.

Date:	Wednesday 20 November 2024
Arrangements Conference from:	9.30am
Meeting start time:	10.00am
Venue:	Virtual event (Microsoft Teams¹)

Arrangements Conference

Please join at 9:30. The Case Team will admit you from the lobby and register your attendance.

It is intended to commence with the OFH2 at 10.00 with the CAH2 following on the conclusion of the OFH.

ISH5 will then commence following the conclusion of CAH2.

Where necessary breaks will be provided during the Hearings in recognition of the fatigue associated with on-screen communication during virtual events.

1. Welcome, introductions and arrangements for the hearings.
2. Purpose of an OFH

Agenda for Open Floor Hearing 2

¹ Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate
M5 Junction 10 Improvement Project
Open Floor Hearing 2, Compulsory Acquisition Hearing 2 and
Issue Specific Hearing 5

3. The ExA will hear from Affected Persons and Interested Parties in relation to the Proposed Development and the provisions following the acceptance of Change Request No. 1

4. Each Party who has indicated a wish to speak will be invited in turn to address the Examining Authority. (Submissions will be limited to 10 minutes per party.)

- Following each submission, the Examining Authority may wish to ask the speaker questions.

- The Applicant will be invited to respond to any matters raised by each speaker, or in summary at the close of the Hearing.

5. Any other business

6. Actions points and post hearing notes and closing remarks

7. Close of Open Floor Hearing.

Agenda for Compulsory Acquisition Hearing 2

1. Purpose of the Compulsory Acquisition Hearing.

2. The ExA will hear from Affected Persons and Interested Parties in relation to the Proposed Development and the provisions following the acceptance of Change Request No. 1

Each Party who has indicated a wish to speak will be invited in turn to address the Examining Authority.

- Following each submission, the Examining Authority may wish to ask the speaker questions.

- The Applicant will be invited to respond to any matters raised by each speaker.

3. The ExA will seek an update from the Applicant in respect of outstanding objections to CA or TP.

4. The ExA will invite updates from Statutory Undertakers as to their position in respect of s127 and s138 of the Planning Act 2008 and any matters which remain outstanding in this respect.

5. The ExA will invite updates from the Applicant and Crown Estates/Govt Departments on the latest position in respect of Crown Land and the respective positions of parties regarding s135 of the Planning Act 2008.

6. Any other business

7. Actions points and post hearing notes and closing remarks

8. Close of Compulsory Acquisition Hearing.

Agenda for Issue Specific Hearing 5 (ISH5) dealing with matters relating to the draft Development Consent Order (dDCO), Traffic and Transport, Heritage, the Water environment, Noise, and other environmental matters.

1. Purpose of the Issue Specific Hearing

2. dDCO [REP7-002].

The ExA will seek an update in respect of Schedule 9 – Protective Provisions for:

- i. National Highways,
- ii. National Grid (West Midlands),
- iii. Wales and West Utilities,
- iv. Severn Trent Water,
- v. BT Openreach

3. The ExA will explore the need or otherwise for a bond to secure National Highways interests

4. The ExA will explore the suitability of limiting the timing of undertaking CA.

5. The ExA will seek clarification on the availability of the HIF money and the availability for the purposes of CA beyond September 2027.

6. Consents, licences and other agreements

The Applicant will be asked to provide an update of progress and timescales for completion of any licences and other agreements.

The ExA will then ask questions, including discussing whether any legal agreements are proposed and if there is an indicative timescale for finalising them.

7. Flood Risk and Water Quality

The ExA will seek views of all parties in respect of their position on flood risk, and water quality in light of comments made in response to Change Request No.2.

8. Consultation Report - Table 4.2 in the Consultation Report – Change Application No.2

The ExA will seek views of the EA, NH and Joint Councils with regards to the Applicant's position and if there are any outstanding concerns.

9. ExA's third written questions

The ExA will seek views of parties in respect of responses to third written questions:

M5 Junction 10 Improvement Project
Open Floor Hearing 2, Compulsory Acquisition Hearing 2 and
Issue Specific Hearing 5

- (i) Traffic and transport including access arrangements and NH position on the safe operation of the SRN;
- (ii) Noise and mitigation for Stoke Road through Stoke Orchard;
- (iii) Landscape and Visualisation;
- (iv) Heritage and the position with respect to Non Designated Heritage Assets;

10. Statements of Common Ground and Principal Areas of Disagreement Summary Statement

The ExA will ask the Applicant to provide an update on Statements of Common Ground.

The ExA will seek an update from National Highways on Progress on Principal Areas of Disagreement Summary Statement (PADSS) with National Highways.

11. Any Other Matters

12. Review of issues and actions arising

The ExA will review any actions arising in the light of issues raised.

13. Closure of the hearing

Notes on participation, conduct and management of the hearings

All IPs are invited to attend issue specific hearings. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Each IP is entitled to make oral representations at the Hearings. However, this is subject to the Examining Authority's (ExA) power to control the Hearings.

The ExA would find it helpful for the following attendees to participate in CAH2.

- The Applicant;
- The Joint Councils;
- National Highways;
- Cheltenham Borough Council Asset Management;
- Ei Group Limited;
- JW Bruton and Sons;
- Neil Hadley;
- Thanks for Popping In Traditional Pubs Limited; and
- Crown Estate Commissioners, and
- **Any other Affected Person.**

The ExA would find it helpful for the following attendees to participate in ISH5:

- The Applicant;

M5 Junction 10 Improvement Project
Open Floor Hearing 2, Compulsory Acquisition Hearing 2 and
Issue Specific Hearing 5

- The Joint Councils;
- National Highways;
- The Environment Agency;
- Homes England,
- National Grid (West Midlands),
- Wales and West Utilities,
- Severn Trent Water,
- BT Openreach, and
- **Any other Interested Parties.**

Participants may be legally represented if they wish, but the hearings will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearings will be led by the ExA.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agendas are for guidance only. They are not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [].

The evidence presented orally at OFH2, CAH2 and ISH5 should be included in post-hearing submissions and submitted by **28 November 2024 (Deadline 10)**.

Contingencies

The ExA will endeavour to hear all participants. If the OFH, CAH or the ISH, or parts of them, are unable to proceed, for example for technical reasons, then the ExA may need to adjourn the hearings and incomplete business dealt with by written submissions. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

Microsoft Teams

M5 Junction 10 Improvement Project
Open Floor Hearing 2, Compulsory Acquisition Hearing 2 and
Issue Specific Hearing 5

The OFH, CAH and ISH will take place virtually using Microsoft Teams. Further information about virtual events in relation to Nationally Significant Infrastructure Projects can be found in the Planning Inspectorate's Advice Note 8.6: Virtual examination events:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

Further information, including a short video regarding taking part in a Planning Inspectorate virtual event, can be found on the Planning Inspectorate's website:

<https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

Please contact the Case Team if you have any questions about using Microsoft Teams or if you would like to test your access arrangements:

M5Junction10@planninginspectorate.gov.uk

0303 444 5000